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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,428	08/29/2003	Fei Xie	51053/JEC/B600	8633

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EXAMINER
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PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/651,428

Applicant(s)

XIE, FEI

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments, see applicant's remark, filed on 11/30/05, with respect to the rejection(s) of claim(s) 1-11, and 18-20 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ohsuge (US006351635B1).

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) in view of Ohsuge (US006351635B1).

Per claims 1 and 2, Goh discloses a method in a mobile set for selecting data to be stored, comprising: displaying a plurality of recording modes (see col. 2 and lines 33-60); indicating a selection means for choosing a recording mode (see col. 2 and lines 55-60); and providing a confirmation signal after a selection means for choosing a recording mode has been selected (see col. 3 and lines 1-3).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Ohsuge discloses each recording mode for

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recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode (figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claim 3, Goh discloses a method in a mobile set for replaying recorded conversation, comprising: displaying a line indicating a data structure of recorded conversation (see table 1); and in response to selection of the displayed line, replaying a recorded conversation (see col3. lines 50-54).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Ohsuge discloses each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode (figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claim 4, Goh discloses a method in a mobile set, for replaying previously recorded conversations during a real time conversation, comprising: displaying a list of data structure representing recorded conversation (see table 1); and in response to selection of the displayed list, replaying at least a portion of a data structure (see col.3 and lines 55-62).

Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Ohsuge discloses each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode (figure 1, column 2 and lines 20-30) and recording a set of data frames identified by a selected recording mode (column 2 and lines 50-55).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ohsuge with Goh such that a user could save limited storage space.

Per claims 5 and 6, Goh further teaches that the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 7-18); in response to a selection of the displayed list, a portion of a previously recorded conversation may be played back and transmitted through the uplink signal (see col.3 and lines 63 and 64).

Per claim 7, Ohsuge further teaches that the set of data frames include speech data transmitted by the mobile set to the second device during the phone call (see column 2 and lines 20-30).

Per claim 8, Ohsuge further teaches that the set of data frames include speech data received by the mobile set from the second device during the phone call (see column 2 and lines 20-30).

Per claim 10 and 11, Ohsuge further teaches that the data frames include speech data (see column 2 and lines 20-30).

4. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Ohsuge (US006351635B1) as applied to claims 1 above, and further in view of Jenkins (US006377793B1).

Combination of Ohsuge and Goh doesn't teach that the set of data include non-speech data. Jenkins teaches that the set of data frames include video data (see column 6 and lines 42-67). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Jenkins with the combination of Ohsuge and Goh such that a user is able to record not only the voice data but also the video stream such as videoconference.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Ohsuge (US006351635B1) as applied to claim above, and further in view of Haimi-Cohen (US006233320B1).

Per claim 18-20, Combination of Ohsuge and Goh doesn't teach that data content analysis includes a determination of data content level and the data content analysis includes a determination of voice activity. Haimi-Cohen further teaches that data content analysis includes a determination of data content level and the data content analysis includes a determination of voice activity (see column 4 and line 66-column 5 and line 25). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine teaching of Haimi-Cohen with the combination of Goh and Ohsuge such that less space would be used while storing the voice data.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Ohsuge (US006351635B1) as applied to claim 1 above, and further in view of Yoshida et al (US006256354B1).

Combination of Goh and Ohsuge disclose an analogous art as recited in claim 1. Combination of Goh and Haimi-Cohen doesn't teaches that a first recording mode records only data transmitted by the mobile set to the second device, a second recording mode records only data received by the mobile set from the second device, and a third recording mode records both the data transmitted by the mobile set to the second device and the data received by the mobile set from the second device. Yoshida teaches that a first recording mode records only data transmitted by the mobile set to the second device, a second recording mode records only data received by the mobile set from the second device, and a third recording mode records both the data transmitted by the mobile set to the second device and the data received by the mobile set from the second device (see figure 4-8, column 3 and lines 17-38). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of

Yoshida with Haimi-Cohen and Goh such that the user has more options to record voice or conversation with a portable phone device.

7. Claim 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) and Haimi-Cohen (US006233320B1) as applied to claim 1 above, and further in view of McCutcheon et al (US006161007A).

Combination of Goh and Haimi-Cohen disclose an analogous art as recited in claim 1. Combination of Goh and Haimi-Cohen doesn't teach the non-speech data includes one of video, text graphics, and application data. McCutcheon teaches an apparatus includes the necessary functionality to receive, record, process, and output incoming wireless voice, text data, and multi-media messages (see abstract, column 1 and lines 45-52). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of McCutcheon with Goh and Haimi-Cohen such that the user could receive and distinguish different type of data during usage of the wireless communication device.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

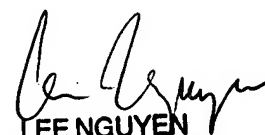
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
February 3, 2006

  
LEE NGUYEN  
PRIMARY EXAMINER